

**MICHAEL S. LAHR**  
**Assistant U.S. Attorney**  
**U.S. Attorney's Office**  
**901 Front Street, Suite 1100**  
**Helena, MT 59262**  
**Phone: (406) 457-5120**  
**FAX: (406) 457-5130**  
**Email: michael.lahr@usdoj.gov**

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BILLINGS DIVISION**

<b>UNITED STATES OF AMERICA,</b>  <b>Plaintiff/Respondent,</b>  <b>vs.</b>  <b>LASHAWN JERMAIN JOHNSON,</b>  <b>Defendant/Movant.</b>	<b>CR 06-79-BLG-SEH</b> <b>CV 13-92-BLG-SEH</b>  <b>GOVERNMENT'S SUBMISSION</b> <b>TO EXPAND THE RECORD</b>
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The United States of America, represented by Michael S. Lahr, Assistant United States Attorney, hereby submits documentation for expanding the record in this case pursuant to the Court's Order of May 22, 2014. The United States has reviewed the relevant files and provides the following summary of the

documentation it is providing with this submission. Where documents included in this submission were previously disclosed through discovery, the Bates numbers are included as a reference and the disclosure receipts and/or pertinent discovery index pages are provided as well.

**Heather Schutz:**

Plea Agreement: Schutz's March 13, 2006, plea agreement pertaining to her federal charges was provided in discovery and Bates stamped as 8116-8130.

NCIC Report: Schutz's NCIC criminal history report was provided as Bates numbers 3145-3151.

Immunity letters: Two immunity letters given to Schutz by the government were provided as Bates numbers 8008 and 8009.

302 Reports: Four different 302 reports of interviews of Schutz by law enforcement were provided in discovery as follows:

- (1) August 29, 2005. Bates numbers 466-473.
- (2) January 23, 2006. Bates numbers 602-604.
- (3) February 2, 2006. Bates numbers 642-646.
- (4) February 15, 2006. Bates numbers 665-670.

**Not Disclosed:**

The second immunity letter refers to a July 12, 2006, debrief of Heather Schutz. However, the 302 report addressing the July debrief was not provided in

discovery. That report and one relating to agents coming from Las Vegas to conduct the interview of Heather Schutz are included with this submission. Two short 302 reports which were also not included in original discovery are included with this submission. One is dated September 14, 2005 and the other February 15, 2006.

As noted, Heather Schutz's plea agreement dated March 13, 2006, was provided to opposing counsel through discovery. However, a 5K motion recommending a lower sentence for her was filed by the United States on August 15, 2006. This motion was not provided in discovery.

The United States moved for and received an order to unseal and disclose this 5K motion for purposes of this proceeding. The same order also provides for the disclosure of the sentencing court's statement of reasons following Heather Schutz's sentencing on August 30, 2006. The statement of reasons addresses the 5K motion. The 5K motion and related judgment documents are included with this submission.

**Tyrone Jackson:**

**Disclosed:**

Plea Agreement: The plea agreement pertaining to Jackson's 2006 charges was provided in discovery as Bates numbers 8028-8040.

NCIC Report: Jackson's NCIC criminal history report was provided in discovery as Bates numbers 3029-3036.

Prior Convictions: The September 1, 2000, judgment from Jackson's state conviction for assault was provided in discovery as Bates numbers 3177-3179. The U.S. District Court judgment following his 2003 conviction on federal drug charges was provided as Bates numbers 3180-3185.

Immunity Letter: The immunity letter given to Jackson by the government was provided in discovery as Bates number 8000.

302 Reports: Two different 302 reports of interviews of Jackson by law enforcement were provided in discovery as follows:

(1) February 15, 2006. Bates numbers 634-635

(2) April 12, 2006. Bates numbers 728-734

**Not Disclosed:**

Jackson's 2003 federal conviction was addressed in the NCIC report as well as the judgment from U.S. District Court as noted above. The plea agreement pertaining to those charges, however, was not provided in discovery. That plea agreement, dated January 8, 2003, is provided herewith as part of the government's submission.

Additionally, it does not appear that a 302 report dated November 8, 2006, was provided to Johnson through discovery. Bates numbers 838 and 850 (duplicate). Though it addresses an interview of Tyrone Jackson, it may not been provided to Johnson as the subject matter does not pertain to him.

**Ashley Grimm:**

**Disclosed:**

302 Report: A 302 report of an interview of Ashley Grimm by law enforcement dated November 17, 2006, was provided in discovery as Bates numbers 832-834.

Billings Police Reports: In his pleadings, Johnson referred to a string of burglaries and suggested that Ashley Grimm was involved. The United States provided in discovery a number of Billings Police Department reports relating to these burglaries and other issues pertaining to some of the individuals involved as follows:

- (1) BPD report No. 05-00291 regarding a burglary with a pistol by DeAngelo Ware and Adrien Beavers. Bates numbers 1500-1715.
- (2) BPD report No. 03-35117 regarding an assault and kidnapping by Heather Schutz. Bates numbers 1716-1897.
- (3) BPD report No. 03-34756 regarding a burglary by Darrel Holiday and Amber Mackay of Heather Schutz's residence. Bates numbers 1898-1935.
- (4) BPD report No. 04-49435 regarding a burglary by Skylar Wilson at G. Anderson home. Bates numbers 1936-1957.

(5) Two custodial reports from Yellowstone County Sheriff's Office regarding Adrien Beavers who was alleged to have been involved in one of the burglaries. Bates numbers 1958-1986.

**Not disclosed:**

No NCIC report for Ashley Grimm was prepared prior to trial. At the request of this office, a current NCIC report was run which shows that she had misdemeanor charges in 2006 prior to Johnson's trial. The current NCIC report which shows these 2006 charges is included with this submission.

DATED this 23<sup>rd</sup> day of June, 2014.

MICHAEL W. COTTER  
United States Attorney

/s/ Michael S. Lahr  
Assistant U.S. Attorney  
Attorney for Plaintiff/Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2014, a copy of the foregoing document was served on the following persons by the following means:

<u>1</u>	CM-ECF
<u>          </u>	Hand Delivery
<u>2</u>	Mail
<u>          </u>	Overnight Delivery Service
<u>          </u>	Fax
<u>          </u>	E-Mail

1. Clerk, United States District Court
2. Lashawn Jermaine Johnson, Reg # 41481-048  
Federal Correction Institution Mendota  
P.O. Box 9  
Mendota, CA 93640

/s/ Michael S. Lahr  
Assistant U.S. Attorney  
Attorney for Plaintiff/Respondent